

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ALICIA D. MAYSE, )  
                        )  
                        )  
Plaintiff,           )  
                        )  
                        )  
v.                     )              Case No. CIV-22-01078-JD  
                        )  
                        )  
KILOLO KIJAKAZI,    )  
Acting Commissioner of the   )  
Social Security Administration,   )  
                        )  
                        )  
Defendant.           )

**ORDER**

On May 15, 2023, this Court entered an Order and Judgment reversing the Commissioner's decision and remanding the case for further administrative proceedings. [Doc. Nos. 12, 13]. Now before the Court is Plaintiff's Stipulated Motion for Award of Attorney Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 ("Stipulated Motion") [Doc. No. 16].

Upon consideration of the representations in the Stipulated Motion and the case record, the Court finds that \$5,500.00 represents a reasonable attorney's fee to be awarded under the EAJA. Accordingly, the Court grants the Stipulated Motion and orders an award of attorney's fees to Plaintiff under the EAJA in the amount of \$5,500.00.

Payment of this amount shall constitute a complete release from, and bar to, all further claims Plaintiff may have relating to EAJA attorney's fees in connection with this action. However, the EAJA award is without prejudice to Plaintiff's attorney's right to seek attorney's fees pursuant to the Social Security Act, 42 U.S.C. § 406(b), if

appropriate, subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1).

Under *Astrue v. Ratliff*, 560 U.S. 586 (2010), the award of EAJA fees must be made payable to Plaintiff as the prevailing party. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorney shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 5th day of June 2023.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE